

# Memorandum



**Date:** (Second Reading 07-18-06)  
May 23, 2006

**To:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

Agenda Item No. 7(C)

**From:** George M. Burgess  
County Manager

**Subject:** Ordinance Amending Miami-Dade County Code 20-43 Community Councils

## **RECOMMENDATION**

It is recommended that the Board adopt the attached proposed ordinance amending Section 20-43 of the Code of Miami-Dade County. This ordinance is necessary to ensure staggered terms of office for newly defined subarea memberships in Community Councils as is the case for terms of office for existing Community Council subareas. The proposed amendments also modify the beginning service date for new Community Council members.

## **BACKGROUND**

At its meeting of February 14, 2006, the Board of County Commissioners passed Resolution No. R-289-06, establishing the remaining boundaries of the South Bay Community Council (15) after the incorporation of Cutler Bay removed a portion of the area. As a result, new subarea boundaries within the Community Council needed to be redrawn. The attached ordinance amendment modifies the first term of three of the incoming new members in order to allow for staggered terms. This would align the newly defined council seat terms with the rest of the Community Council structure. After completion of the first term of office, all council seats will serve terms of four years. The Code provided for staggered Community Council terms in their initial election in 1996. That provision was subsequently removed as being obsolete. With the creation of new subareas such as reconfigured Community Council 15, it is necessary to reinstate this provision for this Community Council as well as future reconfigured Community Councils.

Currently, the Code names the starting date of the new Community Council office terms as "the second Tuesday next succeeding the date provided for the state second primary elections." The Florida Legislature has eliminated the state second primary elections. The proposed ordinance changes the beginning service date to "the second Tuesday next succeeding the date provided for the state general election." The proposed ordinance also moves any run-off elections to the state general election, as opposed to the state second primary election.

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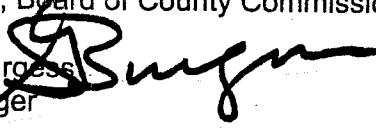
Roger M. Carlton  
Assistant County Manager

# Memorandum



**Date:** July 18, 2006

**To:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**From:** George M. Burgess   
County Manager

**Subject:** Ordinance Amending Section 20-43 of the Code Relating to Community Councils

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The proposed ordinance amending Section 20-43 of the Code of Miami-Dade County will not have a fiscal impact to the County.

The amendment is necessary to ensure staggered terms of the office for newly defined subarea memberships in Community Councils as is the case for terms of office for existing Community Council subareas.

  
Assistant County Manager

fiscal00606



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** July 18, 2006

**FROM:** Murray A. Greenberg  
County Attorney

A handwritten signature in cursive script, appearing to read "Murray A. Greenberg", is written over the printed name.

**SUBJECT:** Agenda Item No. 7(C)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved \_\_\_\_\_ Mayor

Agenda Item No. 7(C)

Veto \_\_\_\_\_

07-18-06

Override \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO COMMUNITY COUNCILS;  
AMENDING SECTION 20-43 OF THE CODE OF MIAMI-  
DADE COUNTY, FLORIDA; PROVIDING STAGGERED  
TERMS FOR SUBAREA OR AT LARGE POSITIONS;  
MODIFYING COMMENCEMENT OF TERM OF OFFICE TO  
OCCUR THE SECOND TUESDAY NEXT SUCCEEDING THE  
DATE PROVIDED FOR THE STATE GENERAL ELECTION;  
CLARIFYING DATE OF COUNCIL ELECTIONS; PROVIDING  
SEVERABILITY, INCLUSION IN THE CODE, AND AN  
EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
MIAMI-DADE COUNTY, FLORIDA:**

Section 1. Section 20-43 of the Code of Miami-Dade County is hereby amended to  
read as follows:<sup>1</sup>

**Sec. 20-43. Community Council; membership.**

Except as provided in subsection (E), Community Councils  
shall have seven (7) members, six (6) of whom shall be elected at  
large within the council area and one (1) of whom shall be  
appointed by the Board of County Commissioners as follows:

*(A) Elected Council Members*

\* \* \*

- (2) The term of office of Community Council members  
shall be for four (4) years. >>It is provided, however,

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<sup>1</sup> Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored  
and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now  
in effect and remain unchanged.

that when a Community Council has been modified to establish new subareas or at large areas, in the initial election of Council Members, those members representing even numbered subareas shall serve a two year term and those members representing odd numbered subareas or at large areas shall serve a four year term so as to create staggered terms. Thereafter all Council Members shall serve four year terms. When a subarea is dissolved and is replaced by an at large area, the at large representative shall serve until expiration of the term of office that was provided for the dissolved subarea.<< It is >>further << provided, ~~[[however,]]~~that when ~~[[in]]~~ a Community Council consisting of one subarea >>is created in the initial election<< three seats >>shall be designated as two year terms and three seats shall be designated as four year terms so as to provide staggered terms. Thereafter, all Council members shall serve four year terms.<< ~~[[the term of office of three (3) members holding office as of the effective date of this provision shall be extended for an additional two years so as to create staggered terms for such Community Council. The determination of which terms shall be extended an additional two (2) years shall be decided either by volunteers among Community Council Members or, if there are an insufficient number, by lot no later than one hundred eighty (180) days prior to the date the Community Council members' terms would have expired. ]]~~

- (3) All elections for Community Council Members shall be non-partisan. The initial general election for Council Members shall be held at the time of the 1996 General Election. Subsequent elections of Council members shall be held in each even numbered year, in conjunction with state primary elections. The terms of Council Members shall commence on the second Tuesday next succeeding the date provided for the state >>general election<< ~~[[second primary elections]]~~.

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- (6) The ~~[[general]]~~ election ballot for the Council Member of each council area shall contain the names of all qualified candidates for election for Council positions from each subarea and shall instruct the electors to cast one (1) vote for the subarea position for which an election is being held. The candidate receiving the greatest number of votes shall be duly elected to that Council Seat. If there is a tie vote among the two (2) candidates receiving the greatest number of votes, there shall be a run-off election. The ballot for any run-off election for a Council Seat shall contain the names of the two (2) candidates for the Council Seat who received the most votes ~~[[in the general election]]~~. The ballot shall instruct electors of the council area to cast one (1) vote for each subarea position. The candidate for each Council Seat receiving the most votes in such run-off election shall be duly elected to that Council Seat. Provided, however, where there are fewer than six (6) subareas in a council area the number of persons to be elected from each subarea shall be as follows:

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Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

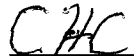
Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:



Prepared by:



Craig H. Coller